

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DR. DAMIAN MEDICI,

Plaintiff

v.

Civil Action No. 1:17-cv-00265-M-PAS

LIFESPAN CORPORATION,
RHODE ISLAND HOSPITAL, and MICHAEL
SUSIENKA,

Defendants.

**REQUEST TO TAKE EVIDENCE ABROAD OF LOGAN A. WALSH
(LETTERS ROGATORY)**

FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE
ISLAND TO THE HONORABLE QUEBEC SUPERIOR COURT OF JUSTICE:

WHEREAS a proceeding is pending before this Court in Providence, Rhode Island
between Damien Medici ("Medici") and Lifespan Corporation, Rhode Island Hospital and
Michael Susienka ("Lifespan").

AND WHEREAS it has been shown to this Court that the testimony of Logan A. Walsh
of the Province of Quebec is necessary, material and relevant for use at the trial of this
proceeding and that without the documents from and testimony of said Logan A. Walsh justice
cannot be completely done between the parties.

AND WHEREAS it has been shown to us that the defendant Lifespan is unable to obtain
the required information from other persons whom Lifespan is entitled to examine or from the
witnesses Lifespan seeks to examine.

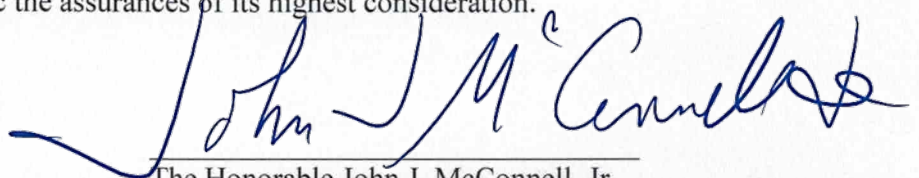
AND WHEREAS it has been shown to us that the evidence sought to be obtained cannot be obtained by Lifespan by any other method and there is a substantial likelihood that the desired evidence will be obtained in the manner proposed.

WE THEREFORE REQUEST that in furtherance of justice, you cause Logan A. Walsh to be summoned to appear, in accordance with all applicable laws of evidence and procedure, at such time and place as deemed appropriate, to answer questions under oath or affirmation by an attorney for Lifespan, and to cause the testimony of Logan A. Walsh to be reduced to writing by a stenographer, court reporter or other competent person. It is the understanding of this Court that the granting of assistance of the type herein requested is authorized by the Canada Evidence Act, R.S.C. 1985, chapter C-5, and the Quebec Code of Civil Procedure, chapter C-25.01. The courts of the United States are authorized by statute to extend similar assistance to the tribunals of Canada by Title 28, Section 1782 of the United States Code.

IT IS FURTHER REQUESTED that you cause Logan A. Walsh to be summoned to produce to Dominique Vallieres, an attorney at the law firm of Lavery, de Billy LLP, and located at 1, Place Ville-Marie, suite 4000, Montreal, province of Quebec(Canada) H3B 4M4 no less than fourteen days in advance of such examination the documents described in Schedule "A" hereto.

THE UNITED STATES DISTRICT COURT for the District of Rhode Island extends to the judicial authorities of Quebec the assurances of its highest consideration.

Dated: May 23, 2018



The Honorable John J. McConnell, Jr.
United States District Court Judge
District of Rhode Island

6/8/18

Schedule A

1. All original images related in any manner to the (*unpublished*) manuscript entitled “Endothelial-mesenchymal transition promotes the natural regression of infantile hemangiomas.” (the “Walsh manuscript”).
2. All images shared with you by Damien Medici in or about October 2015 from the Walsh manuscript, as specified in Paragraph 5 of the Sworn Statement of Logan A. Walsh, Ph.D., dated May 1, 2018, appended hereto as Exhibit 1.
3. All data files representing the original experimental results provided to you by Damien Medici in or about October 2015, as stated in Paragraph 5 of Exhibit 1.
4. All notes or other documents detailing the comparison that you performed between the images from the Walsh manuscript and the data files representing the original experimental results, as detailed in Paragraph 5 of Exhibit 1.